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Supreme Court of the United States

October Term, 1944

No. 811

LEO H. HILL and UNITED ASSOCIATION OF JOURNEYMEN PLUMBERS AND STEAMFITTERS OF UNITED STATES AND CANADA, LOCAL NO. 234,

PETITIONERS,

vs.

STATE OF FLORIDA, ex rel.,
J. TOM WATSON, Attorney General,

RESPONDENT.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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OPINION OF THE COURT BELOW

This brief is filed in reply to Petition for Writ of Certiorari to review a decision of the Supreme Court of the State of Florida, rendered on November 28, 1944 in the cause entitled Leo H. Hill, et al., vs. State of Florida, et al (Record 26-35). Such decision affirmed a decree of the Circuit Court for Duval County, Florida (Record 18).

JURISDICTIONAL STATEMENT

Petitioners contend that the Court has jurisdiction under the provision of the Act of Congress of February 13, 1935, Section 237(b), 28 U.S.C.A. Section 344(b), because the case is one in which the validity of sections 4 and 6 of H. B. 142 is drawn into question upon the ground that such sections on their face and as construed in the opinion of the Supreme Court of Florida are repugnant to the Constitution of the United States.

It is the contention of the Respondent, however, that it is not competent for the Court by certiorari to review and determine this cause, that the record shows that the Federal questions set forth in said petition are of such an unsubstantial nature as to cause said petition to be devoid of merit, and therefore frivolous, as is more particularly hereinafter set forth under "Argument of Respondent."

STATEMENT OF THE CASE

Respondent accepts the Petitioners' Statement of the Case. Respondent, however, deems it necessary to call the attention of the Court to the fact that Section 4 of

Chapter 21968, Laws of Florida, Acts of 1943, commonly and hereinafter referred to as House Bill No. 142, creates a State Licensing Board, composed of the Governor, Secretary of State and the State Superintendent of Public Instruction. Section 9(6) requires all business agents for labor unions to secure a permit from the State Licensing Board. As a prerequisite for securing such permit, applicants must furnish proof that they (a) have been a citizen of the United States for more than ten (10) years next preceding the application for the permit, (b) have not been convicted of a felony, (c) are of good moral character. Section 6 requires every labor organization to file annual reports giving (1) the name of the labor organization (2) the location of its office (3) the name and address of its officers and business agent. Both Sections 4 and 6 require a fee of One Dollar ($1.00) to defray the expense of the respective services provided for therein.

Section 2 (2) defines the term "business agent" as meaning "any person who shall *for a pecuniary or financial consideration*, act or attempt to act for any 'labor organization' in (a) *issuance* of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization, or (b) in soliciting or receiving *from any employer* any right or privilege *for employees.*"

The attention of the Court is also called to the fact that the Trial Court in its final decree, rendered June 22, 1944, by authority of Section 16 (a severability clause) judicially excised from Section 4 of the Act the words "and are of the opinion that the public interest requires that a license or permit should be issued to the applicant" (Record 18) which decree was affirmed by a unanimous decision of the Supreme Court of the State of Florida (Record 26-28).

QUESTIONS PRESENTED

Respondent accepts the Petitioners' statement of the Questions Presented.

ARGUMENT

I.

Petitioners' first question is as follows:

> "Do Sections 4 and 6 and the injunctions issued thereunder restrain or condition the exercise by petitioner of civil rights freely granted under the first amendment to the United States Constitution?"

The Trial Court and the Supreme Court of Florida answered this question in the negative, qualifying their answer, however, by deleting the provision from Section 4 which gave the issuing board power to determine whether "the public interest requires" the issuance of the license, because the deleted provision vested arbitrary power in the board, and was in conflict with the standard of qualification prescribed for one applying for a license to be a business agent of a labor union, and was thereby rendered unconstitutional.

The specific provisions of State law under attack are these: Section 4 of Chapter 21968, Laws of Florida, Acts of 1943, which reads as follows:

> "Section 4. No person shall be granted a license or a permit to act as a business agent in the State of Florida, (1) who has not been a citizen of and has not resided in the United States of America for a period of more than ten years next prior to making application for such license or permit. (2) Who has been convicted of a felony. (3) Who is not a person of good moral character, and every person desiring to act as a business agent in the State of Florida shall before doing so obtain a license or

permit by filing an application under oath therefor with the Secretary of State, accompanied by a fee of One Dollar. There shall accompany the application a statement signed by the president and secretary of the labor organization for which he proposes to act as agent, showing his authority to do so. The Secretary of State shall hold such application on file for a period of thirty days during which time any person may file objections to the issuing of such license or permit. After the expiration of the thirty day period, regardless of whether or not any objections have been filed, the Secretary of State shall submit the application, together with all information that he may have including any objections that may have been filed to such application to a Board to be composed of the Governor as Chairman, the Secretary of State, and the Superintendent of Education. If a majority of the Board shall find that the applicant is qualified, pursuant to the terms of this Act and are of the opinion that the public interest requires that a license or permit should be issued to such applicant, then the Board shall by resolution authorize the Secretary of State to issue such license or permit, same shall be for the calendar year and shall expire on December 31, of the year for which issued unless sooner surrendered, suspended, or revoked."

NOTE: The Court below deleted the following words from Section 4:

"and are of the opinion that the public interest requires that a license or permit should be issued to such applicant, * * *."

Section 6 of said chapter reads as follows:

"Section 6. Every labor organization operating in the State of Florida shall make a report in writing to the Secretary of State annually on or before July first. Such report shall be filed by the secretary or business agent of such labor organization and shall be in such form as the Secretary of State may prescribe, and shall show the following facts:

(1) The name of the labor organization;

(2) The location of its office;

(3) The name and address of the president, secretary, treasurer, and business agent.

At the time of filing such report it shall be the duty of every such labor organization to pay the Secretary of State an annual fee therefor in the sum of One Dollar."

The determination of the constitutionality of Sections 4 and 6 also brings into consideration the following sections:

"Section 2(2). The term 'business agent' as used herein shall mean any person, without regard to title who shall for a pecuniary or financial consideration, act or attempt to act for any 'labor organization' in (a) the issuance of membership, or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization, or (b) in soliciting or receiving from any employer any right or privilege for employees."

"Section 9. It shall be unlawful for any person:

* * *

(6) To act as a business agent without having obtained and possessing a valid and subsisting license or permit."

The State under its police power has the right to regulate business in order to protect the public health, welfare and morals. Gundling vs. Chicago, 177 U.S. 183, 188; Watson vs. Maryland, 218 U.S. 173, 176; Eubanks v. Richmond, 226 U.S. 137, 142; Sligh vs. Kirkwood, 237 U.S. 52, 59; Schmidinger vs. Chicago, 226 U.S. 578, 587; Camfield vs. U.S., 167 U.S. 518, 524; State vs. Lawrence, 213 N.C. 674, 197 S. E. 586, Certiorari denied 305 U.S. 638. For exercise of this right as related to voluntary associations, see New York vs. Zimmerman, 278 U.S. 63, 71-72; and as related to local problems thrown up by modern industry,

see American Federation of Labor vs. Swing, 312 U.S. 321, 325; Borden, et. al. vs. Sparks, Governor, 54 Fed. Sup. 300. In summary: "That the State has the power to regulate labor unions with a view to protecting the public interest is . . . hardly to be doubted." Thomas vs. Collins, decided by the Supreme Court of the United States, January 8, 1945, October Term, 1944, No. 14.

The State is primarily the judge of regulations required in the interest of public safety and welfare. Graves vs. Minnesota, 272 U.S. 425, 428; Gitlow vs. N.Y. 268 U.S. 652, 668. The discretion of the legislature is very large in exercise of the police power, both in determining what the public interests require, and measures and means necessary to protect such interests. Louisville & Nashville R. Co. vs. Kentucky, 161 U.S. 677, 701; Sterling vs. Constantin, 287 U.S. 378, 398-399. The judgment of the highest court of the state is entitled to acceptance unless clearly not well founded. Jones vs. City of Portland, 245 U.S. 217, 221-222. These are manifestly matters with respect to which local authorities have peculiar facilities for securing accurate information. Jones vs. City of Portland, supra.

Under the authority of National Labor Relations Board vs. Jones and Laughlin, 301 U.S. 1, 42, the Supreme Court of the State of Florida in its decision took judicial notice of the activities of labor organizations and that "it would be difficult to name an organization that more vitally affects the public, or one in which the public is more vitally interested than the organizations of labor" (Record 24). This Court has recognized that the rights of employers and employees are subject to modification or qualification in the interests of the society in which they exist. Carpenters' and Joiners' Union vs. Ritters Cafe, 315 U.S. 722, 724. Finally on this subject we refer again to the above quoted statement of this Court in Thomas vs. Collins, supra, and

assume without question the right of the state in the exercise of its police power "to regulate labor unions with a view to protecting the public interest."

In essence, Section 4 of House Bill 142 creates a State Licensing Board composed of the Governor, Secretary of State, and State Superintendent of Public Instruction. All business agents for labor organizations must secure a license from the State Licensing Board by virtue of Section 9 (6), and as a prerequisite for securing such license an applicant must show: that he has been a citizen and resident of the United States for ten years next preceding the application, has not been convicted of a felony, and is of good character. The applicant must also show his authority for making application to represent his labor organization. For services rendered in issuing a license, the Board is authorized to charge a fee of One Dollar to defray cost of the service (Record 31).

The qualifications in Section 4 are the customary and traditional ones which legislatures usually prescribe to determine the fitness of licensees who seek to engage in professions or callings affecting the public welfare. Smith vs. Alabama, 124 U.S. 465. Petitioners have not charged these standards are unreasonable, nor have they been denied any rights because these standards have been invoked against them. The record shows that the controversy in the case at bar, insofar as Petitioner Hill is concerned, arose as result of Hill ignoring Section 9 (6) of House Bill 142 (Record 2), which section renders it unlawful for any person to act as a business agent without having obtained and possessing a valid license or permit. One object of this litigation is to compel him to comply with Section 9 (6) of said statute (Record 3). This is the matter for the consideration of the Court. Allen-Bradley Local vs. Wisconsin E. Rel. Bd., 315 U.S. 740, 746, 747.

Petitioners seek to justify the conduct of Petitioner Hill in ignoring Section 9 (6) on the ground House Bill 142 is unconstitutional because "there is still a discretion lodged in a majority of the Board to find the applicant qualified pursuant to the terms of the Act." In reply, it is urged that should any applicant be aggrieved by reason of denial of his application, he has recourse to writ of mandamus or other appropriate proceedings to review the Board's actions. See State ex rel Williams vs. Whitman, et. al. State Board of Dental Examiners, 116 Fla. 196, 156 So. 705.

Petitioners contend that House Bill 142 by licensing Petitioner Hill's occupation deprives him of his civil liberties. To this contention, the attention of the Court is directed to Section 2(2) of the Act which defines "business agent" when used in the Act to mean any person who shall for a pecuniary or financial consideration, act or attempt to act for any labor organization in (a) the issuance of membership or authorization cards, work permits or other evidence of rights granted or claimed in, or by, a labor organization or (b) in soliciting or receiving from any employer any right or privilege for employees. Clearly, the issuance of membership cards and work permits, and the act of soliciting or receiving rights from employers for employees, are occupational activities; and when it is considered the agent must be paid or salaried to come within the provisions of the Act, it is apparent the Act operated solely to regulate occupational activities as distinguished from civil liberties. These occupational activities are clearly to be distinguished from public or private speeches in solicitation of membership in a labor organization or other speeches, freedom of which is protected by the First Amendment. See Thomas vs. Collins, supra, wherein the Court stated in speaking of labor organizers:

> "Once the speaker goes further however, and engages in conduct which amounts to more than the right of free discussion comprehends, as when he undertakes the collection of funds or securing subscriptions, he enters a realm where a reasonable registration or identification requirement may be imposed . . . It would be free speech plus conduct akin to the activities which were present and which it was said the state might regulate in Schnieder v. State, supra (308 U.S. 147) and Cantwell vs. Connecticut, supra (310 U.S. 296)."

See also on this point, Gompers vs. Buck Stove & Range Co., 221 U.S. 418, 439, Schenck vs. U.S. 249 U.S. 47.

Much of the argument made in behalf of Section 4 of the Act applies with equal force to Section 6, which requires every labor organization in Florida to make a report in writing to the Secretary of State annually on or before July 1st. The requirements of this section of the law are simple and are found in the quoted section in a preceding part of this brief.

Section 6 is not a previous restraint in the organization or functioning of a labor union. A careful reading will disclose it does not interfere with the rights of individual members of unions to solicit others to join their organization nor limit the right of the union to solicit members, disseminate information about labor union matter, or peaceably to assemble or petition. The requirement of the filing of an annual report is not by statute made a condition precedent to the legal existence of a labor union or the exercise by it of the function of a labor union.

Since the report required of labor organizations by said Section 6 is so reasonable (a less onerous one is hardly conceivable) it appears the Petitioners contend for and seek a status of constitutional exclusion from state police power. This contention is answered by further reference to the

quoted utterance of this Court in Thomas vs. Collins, supra. Furthermore, we call the Court's attention to the fact that natural persons alone are entitled to the privileges and immunities which Section 1 of the 14th Amendment secures for citizens of the United States. Hague vs. C. I. O. 307 U.S. 496, 514.

We submit that activities sought to be regulated by Sections 4 and 6, House Bill No. 142, do not by analogy or otherwise come within the category of clergymen or the press; and Petitioners in placing their reliance upon cases involving religious activities or distribution of circulars are in direct conflict with the holding of this Court in Thomas vs. Collins, supra.

We contend, therefore, that the decisions upon which Petitioners rely are not applicable. Fiske vs. Kansas, 274 U.S. 380; Whitney vs. California, 274 U.S. 357; Herndon vs. Lowry, 301 U.S. 105, and DeJonge vs. Oregon, 299 U.S. 353, involve criminal proceedings charging criminal syndicalism under particular statutes and are in no way material to the case at bar. Hague vs. C. I. O., 307 U.S. 624; Schneider vs. New Jersey, 308 U.S. 147; Martin vs. City of Struthers, 319 U.S. 141; Lovell vs. City of Griffen, 303 U.S. 444; Near vs. Minnesota, 283 U.S. 697, and Thornhill vs. Alabama, 310 U.S. 88, were all directed at specific, singular statutes or ordinances which prohibited distribution of literature or public assembly or speaking without a permit, the issuance of which was in the absolute discretion of an administrative officer, or prohibiting the exercise of a civil right in its entirety. Grosjean vs. American Press Co., 297 U.S. 233; Follett vs. Town of McCormick, 321 U.S. 573, and Murdock vs. Pennsylvania, 319 U.S. 105, involved licensing tax and not a nominal fee to defray the cost of license and service as required in the statute under attack in the case at bar. West Virginia vs. Barnette, 319 U.S.

624, involved compulsory flag salute in public schools and is clearly not analagous for our purpose. State vs. Butterworth, 104 N.J. L. 549, involved only the meaning of "unlawful assembly" under a particular New Jersey statute and is not in point.

On the authority of the foregoing we submit that this Court has recognized that labor activities in this day are the proper field for valid exercise of the police power; and that Sections 4 and 6 of House Bill 142 in a mild and reasonable manner seek to regulate the activities contemplated by such sections without violence to any civil rights of Petitioners granted under the First Amendment to the United States Constitution.

II.

Petitioners' second question is as follows:

> "Do Section 4 and the injunction issued thereunder restrain or condition any rights granted Petitioner Hill by Congress under the National Labor Relations Act?"

The Court below answered this question in the negative.

The Court has definitely held that the National Labor Relations Act goes no further "than to safeguard the right of employees to self-organization and to select representatives of their own choosing for collective bargaining or other mutual protection without restraint or coercion by their employer." National Labor Relations Board vs. Jones & Laughlin, 301 U.S. 1, 33. The Federal Act was not designed or intended to preclude a state from enacting legislation limited to the prohibition or regulation of the type of employee or union activity contemplated by House Bill 142. Allen-Bradley Local vs. Wisconsin E. Rel. Bd., 315 U.S. 740, 748, for indeed the authority of the Federal Government may not be pushed to such an extreme as to de-

stroy the distinction which the commerce clause, itself, establishes between commerce "among the several states" and the internal concerns of a state. If the contentions of the Petitioners were sound, that the National Labor Relations Act does preempt the field of labor activities and does foreclose all state action under the police power, the Federal Act would necessarilly fall by reason of the limitation upon the Federal power which inheres in the constitutional grant as well as because of the explicit reservation of the Tenth Amendment. National Labor Relations Board vs. Jones & Laughlin, 301 U.S. 1, 29, 30. Furthermore, this Court has long insisted that an intention of Congress to exclude states from exerting their police power must be clearly manifested. Allen-Bradley Local vs. Wisconsin E. Rel. Bd., 315 U.S. 740, 749. We feel that this question has been concluded by the Court in its recent decision, Thomas vs. Collins, decided January 8, 1945, October Term, 1944, No. 14. See also Wisconsin Labor Relations Board vs. Fred Rueping Leather Company, 248 Wis. 473, 279 N.W. 673; Fansteel Corporation vs. Amalgamated Iron, Steel and Tin Workers, 295 Ill. App. 325, 14 N. E. (2d) 991.

The determination of the National Labor Relations Board in the Matter of Eppinger & Russell Co., 56, N.L.R.B. No. 226, is immaterial in the consideration of the question whether Section 4 of House Bill 142 is in conflict with the National Labor Relations Act. Section 4 is a state regulation to be enforced by state officials. There is nothing in it that gives an employer the right to refuse to bargain or to otherwise comply with the National Labor Relations Act, or the Board's orders thereunder, because a business agent of the employees' union has not qualified under the State Act. For the aforesaid reason, the suggestion that the Board's determination in the Matter of Eppinger & Russell Co., decided anything concerning this question, is, in our opinion, erroneous.

In conclusion we wish to call the attention of the Court to the fact that the record fails to show any occasion in which the Petitioners have been denied any rights under the National Labor Relations Act, or that they are engaged in Interstate Commerce, and that Petitioners seek to bring to the attention of the Court an abstract question which this Court, we submit, will not anticipate, and which can be dealt with only as appropriately raised upon a record. Allen-Bradley Local vs. Wisconsin E. Rel. Bd., 315 U.S. 740, 746.

III.

Petitioners' third question is as follows:

> "Do Sections 4 and 6 of House Bill 142 discriminate as between the class of labor associations and employer associations in general, and within the class of labor organizations in particular, by the exemption under Section 15 of Associations of Railway Employees from the requirements of House Bill 142, thereby denying Petitioners equal protection of the laws?"

The Supreme Court of Florida answered this question in the negative.

Section 15 of Chapter 21968, Laws of Florida, Acts of 1943, which is attacked by the Petitioners in this question, reads as follows:

> "All railway labor organizations and members thereof shall be exempt from all of the provisions of this Act as long as they are regulated by any Act or Acts of the Congress of the United States."

In defining the limitations placed upon the Legislature by the equal protection clause of the Fourteenth Amendment to the United States Constitution, this Court has held that a state may classify with reference to the evil to be prevented and, if the class discriminated against is or rea-

sonably might be considered to define those from whom the evil mainly is to be feared, it properly may be picked out. A lack of absolute symmetry does not matter. It is not enough to invalidate the law that others may do the same thing and go unpunished if, as a matter of fact, it is found that the danger is characteristic of the class named. Pastone vs. Pennsylvania, 232 U.S. 138, 144; New York vs. Zimmerman, 278 U.S. 63, 73. The state may direct its law against what it terms the evil as it actually exists without covering the whole field of possible abuses. New York vs. Zimmerman, supra; Central Lumber Co. vs. South Dakota, 226 U.S. 157, 160. Nor is the Legislature bound to extend its regulation to all cases which it might possibly reach. Dealing with practical exigencies, the Legislature may be guided by experience. New York vs. Zimmerman, 278 U.S. 63, 74. It is established by repeated decisions that a statute aimed at what is deemed as evil and hitting it presumably where experience shows it to be most felt is not to be upset by thinking up and enumerating other instances to which it might have been applied equally well, so far as the Court can see. That is for the Legislature to judge, unless the case is very clear. Koekee Coke Co. vs. Taylor, 234 U.S. 224, 227. The law must be deemed by the Legislature coextensive with the practical needs. Koekee Coke Co. vs. Taylor, supra.

It is noted that Section 15 exempts from its provisions only those railway labor organizations and members which are regulated by any Act or Acts of Congress. A study of the Railway Labor Act, 455 Stat. 1185, 45 U.S.C.A. Secs. 151-188, will disclose, we submit, that it was the intent of Congress in a large part, if not entirely, to preempt the field covered by the salient features of the statute. We feel, therefore, that it is clear that the Legislature of the State of Florida concluded that the class of railway employees exempted by Section 15 was adequately regulated

by the Railway Labor Act and that it must be presumed that House Bill 142 is co-extensive with the practical need.

In conclusion, we wish to call the attention of the Court to its decision in National Labor Relations Board vs. Jones and Laughlin S. Corp., 301 U.S. 1, 46, wherein it was said: "We have frequently said that the legislative authority, exerted within its proper field, need not embrace all the evils within its reach. The Constitution does not forbid 'cautious advance, step by step,' in dealing with the evils which are exhibited in activities within the range of legislative power. Carroll vs. Greenwich Insurance Co., 199 U.S. 401, 411."

IV.

Petitioners' fourth question is as follows:

> "Is Section 2(2), containing the definition of 'Business Agent,' and upon which Section 4 is dependent for operation, so vague and indefinite as to fail to accord Petitioner Hill due process of law under the Fourteenth Amendment to the Federal Constitution?"

The Supreme Court of Florida apparently answered this question in the negative.

The definition of a "business agent" in Section 2 (2) is clear and unequivocal, and, we submit, that the definition is in exact accord with what everyone who has any knowledge of or dealings with labor union activities understands the term to mean, particularly labor union members.

In support of that statement, we humbly point out to the Court that the Supreme Court of Florida has considered cases involving the duties of business agents for labor organizations (Stanton vs. Harris, 152 Fla. 736, 13 So.

(2d) 17), and that the records of the Secretary of State of the State of Florida (of which the Supreme Court of Florida takes judicial notice) show that in the first year under the licensing law, 299 union business agents in Florida secured licenses. This is indicative of the fact that the term "business agent" as used in the Act was not so vague as to fail to give notice to this large number of Union officials that they should secure licenses, and that the term has a well understood meaning among unions. We find also that the Kansas legislature, in Senate Bill 264, Laws of 1943, Section 1, uses exactly the same definition of a business agent as is used in Section 2(2) of the Florida Act.

The requirement of reasonable certainty with which the Petitioners seek to assail Section 2(2) of House Bill 142, does not preclude the use of ordinary terms to express ideas which find adequate interpretation in common usage and understanding. Sproles vs. Binford, 386 U.S. 374, 393; Waters Pierce Oil Co. v. Texas, 212 U.S. 86; Nash v. United States, 229 U.S. 373, 377; Miller v. Strahl, 239 U.S. 426, 434; Omaechevarria v. Idaho, 246 U.S. 343, 348; Hygrade Provision Co. v. Sherman, 266 U.S. 497, 502; Bandini Petroleum Co. v. Superior Ct., 284 U.S. 8, 18.

CONCLUSION

We submit to the Court that Sections 4 and 6 do not interfere with Petitioners' freedom of speech, press or assembly, and that they are mild, modest and reasonable regulations within the police power of the state.

Section 4 and the injunction issued thereunder do not restrain or condition any rights granted Petitioner Hill by Congress under the National Labor Relations Act, the said section covers only a field left open to the states' regulation under their police power.

Sections 4 and 6 do not discriminate as between classes of labor associations, in favor of railway workers. The classification is reasonable and rational, and seeks by preventive means to regulate classes of labor which heretofore operated in secrecy and without responsibility.

The definition of "business agent" upon whom the Act places regulations, is clear and unequivocal, and when read in conjunction with the commonly accepted nomenclature of labor organizations, and the remainder of House Bill 142, it is without ambiguity.

Sections 4 and 6 are easily complied with by the unions and their business agents and are designed merely to secure some official identification of labor organizations and their agents, as well as to prohibit unfit and irresponsible individuals from acting as agents for the labor organizations in the State of Florida. These regulations carry no threat to civil rights or constitutional guaranties. They are wholesome, progressive measures in keeping with changed conditions, designed to insure in a small measure, honesty and fair dealing between the union agent and the members of the union, and prospective members thereof, and between the unions' representatives and members and the public.

We earnestly submit, that the unanimous decision of the Supreme Court of the State of Florida, upholding Sections 4 and 6 is free from error and that this frivolous proceeding should be thwarted in its outset by a denial of the Petition for issuance of a Writ of Certiorari to review the decision of the Supreme Court of the State of Florida.

Respectfully submitted,

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